

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 4684 of 1986

For Approval and Signature:

Hon'ble MR.JUSTICE S.K.KESHOTE

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1. Whether Reporters of Local Papers may be allowed : NO
to see the judgements?
2. To be referred to the Reporter or not? : NO
3. Whether Their Lordships wish to see the fair copy : NO
of the judgement?
4. Whether this case involves a substantial question : NO
of law as to the interpretation of the Constitution
of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge? : NO

GUJARAT STATE FERTILIZERS CO LTD

Versus

ARVINDBHAI M PATEL

Appearance:

MR SN SHELAT for Petitioner

MR NILESH A PANDYA for Respondent No. 1

CORAM : MR.JUSTICE S.K.KESHOTE

Date of decision: 15/09/1999

ORAL JUDGEMENT

#. Having heard the learned counsel for the parties, I find two errors apparent on the face of the award of the Labour Court, Vadodara, dated 21st May, 1986.

#. The learned counsel for the petitioner contended that in the inquiry, the petitioner produced the document, i.e. letter from Avery India Limited dated 2nd September 1982, which is at ex.4, page 45, of this Special Civil Application, but the Tribunal has said that no document has been brought on the record regarding Company's

correspondence with Avery India Limited. Second error apparent on the face of the award is that though under the order dated 26th December 1984, the Labour Court, Vadodara, held that inquiry held by the Company against the respondent-workman is valid, but while deciding the same finally, it has held that the inquiry was not proper. Once inquiry is held not proper, the management has right to establish charges against the delinquent employee by producing evidence before the Labour Court and that opportunity could have been availed of by the petitioner but it could not be availed of for the reason that earlier the Labour Court has held the inquiry to be valid.

#. The learned counsel for the respondent has raised manifold contentions on the merits of the matter but as I am of the considered opinion that this matter has to be remanded back to the Labour Court, Vadodara, I do not consider it to be appropriate to refer to and decide those contentions, otherwise, it may prejudice the workman's case before the Labour Court.

#. In the result, this Special Civil Application succeeds and the award of the Labour Court, Vadodara, dated 21st May, 1986, passed in Reference (LCV) No.211 of 1983, is quashed and set aside and the matter is remanded back to the Labour Court, Vadodara, to decide the same afresh in accordance with law. However, looking to the fact that this matter pertains to year 1983, it is expected of the Labour Court, Vadodara, to decide the same within a period of six months from the date of receipt of writ of this order. Rule is made absolute in aforesaid terms with no order as to costs.

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